

Workforce Background Check

Information and Provider Responsibilities

Bureau of Community and Health Systems





CUSTOMER DRIVEN. BUSINESS MINDED.

1

EFFECTIVE APRIL 1, 2006

- MCL 333.20173a (Public Health Code)
- MCL 330.1134a (Mental Health Code)
- MCL 400.734b (Adult Foster Care Licensing Act)

Nursing Homes

County Medical Care Facilities

Hospices

Hospitals with Swing Bed Services

Medicare Certified Home Health Agencies

Psychiatric Hospitals/Inpatient Units

Homes for the Aged

Adult Foster Care Facilities

Staffing/Contract Agencies (verified)



CUSTOMER DRIVEN. BUSINESS MINDED

REQUIRES STATE AND FBI FINGERPRINT-BASED BACKGROUND CHECK

TIERED SYSTEM OF EXCLUSIONS

1 YEAR TO PERMANENT

Section (1) of laws provides exclusionary offenses/time frames. Prior legal guide should not be used due to changes in laws/policies

ALSO EXCLUDES FOR:

ANY FINDING OF NOT GUILTY BY REASON OF INSANITY (NGRI)

SUBSTANTIATED FINDINGS OF ABUSE, NEGLECT, OR MISAPPROPRIATION OF PROPERTY

RELEVANT FINDINGS ON REGISTRY CHECKS

Office of Inspector General (OIG)

Sanctioned Provider List (SPL)

Nurse Aide Abuse Registry (NAR)

Public Sex Offender Registry (PSOR)

Offender Tracking Information System (OTIS)



CUSTOMER DRIVEN. BUSINESS MINDED.

3

RAPBACKS

REQUIREMENT OF THE BACKGROUND CHECK LAWS

PROVIDES FOR CONTINUOUS MONITORING OF WORKFORCE (STATE OF MI ONLY)

WHEN A RECORD IS SUBMITTED TO THE MICHIGAN STATE POLICE (MSP) BY A LAW ENFORCEMENT AGENCY, PROSECUTOR, OR COURT MATCHING THE FINGERPRINTS ON FILE, MSP SENDS ELECTRONIC NOTIFICATION OF SUCH TO THE BACKGROUND CHECK UNIT

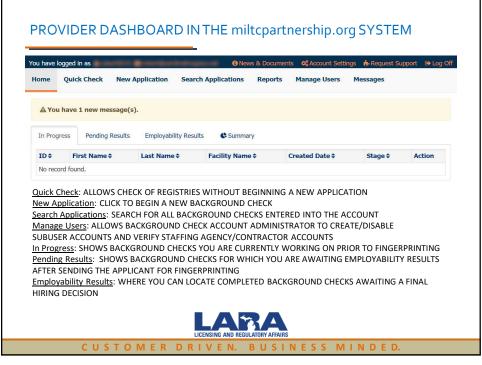
THE WORKFORCE BACKGROUND CHECK UNIT WILL NOTIFY EMPLOYERS OF ANY EXCLUSIONARY CONVICTION RECEIVED VIA RAPBACK

AN ARREST/CHARGE IS NOT CAUSE FOR TERMINATION

IF DISQUALIFIED, THE EMPLOYEE IS NO LONGER ELIGIBLE TO WORK IN A DIRECT ACCESS/DIRECT SERVICES POSITION



CUSTOMER DRIVEN, BUSINESS MINDED.



NO! COVERED PROVIDERS MUST USE THE miltcpartnership.org WORKFORCE BACKGROUND CHECK SYSTEM See Frequently Asked Questions on the miltcpartnership.org homepage for information about system access STAFFING AGENCIES/CONTRACTORS WHO CONTRACT WITH COVERED PROVIDERS MAY CREATE AN ACCOUNT WITHIN THE miltcpartnership.org SYSTEM Requires a one-time account registration fee of \$100.00 Requires verification by a covered provider Allows for the secure "sharing" of eligibility determinations with covered providers See Staffing and Contractor Agency Registration on the miltcpartnership.org homepage for further information/to complete registration HOWEVER, STAFFING AGENCIES/CONTRACTORS ARE NOT REQUIRED TO CREATE A BACKGROUND CHECK ACCOUNT. IF THEY DO NOT, IT IS THE COVERED PROVIDER'S LEGAL RESPONSIBILITY TO COMPLETE THE BACKGROUND CHECK ON.....

WHO MUST GET A BACKGROUND CHECK?

THE BACKGROUND CHECK LAWS REQUIRE COVERED PROVIDERS TO CONDUCT A FINGERPRINT-BASED BACKGROUND CHECK ON PERSONS THEY ARE:

- EMPLOYING
- INDEPENDENTLY CONTRACTING WITH
- GRANTING CLINICAL PRIVILEGES TO

 \dots WHO REGULARLY HAVE DIRECT ACCESS OR PROVIDE DIRECT SERVICES TO PATIENTS OR RESIDENTS OF THE COVERED FACILITY/AGENCY

THE LAWS AUTHORIZE $\underline{\text{ONLY}}$ THESE PERSONS TO BE BACKGROUND CHECKED IN THE miltcpartnership.org SYSTEM

"Direct Access" means, "... access to a patient or resident or to a patient's or resident's property, financial information, medical records, treatment information, or any other identifying information."



CUSTOMER DRIVEN. BUSINESS MINDED.

7

MOST STUDENTS AND VOLUNTEERS DO NOT FALL UNDER THE BACKGROUND CHECK LAWS!

The background check laws do not require or authorize students to get a fingerprint based background check. Even if a student has "direct access" to patients or residents as a part of their educational program, students should only get a fingerprint based background check if they are also being granted clinical privileges by your facility or agency.

The background check laws do not require or authorize most volunteers to get a fingerprint based background check. Volunteers should only get a fingerprint based background check if they are also being granted clinical privileges by your facility or agency or if they are a hospice volunteer and meet the definition of employee as outlined in 42 CFR 418.3.

See Frequently Asked Questions on the miltcpartnership.org homepage



CUSTOMER DRIVEN, BUSINESS MINDED.

HOW DO I GET SOMEONE FINGERPRINTED?

YOU MUST OBTAIN A COMPLETED AND SIGNED CONSENT AND DISCLOSURE FORM FROM ALL APPLICANTS PRIOR TO BEGINNING THE BACKGROUND CHECK PROCESS (with the exception of covered providers obtaining a shared eligibility determination from a staffing agency/contractor, effective 2/21/19)

Consent and Disclosure form available under Information on the miltcpartnership.org homepage

MUST USE STATE CONTRACTED FINGERPRINT VENDOR: IdentoGO by IDEMIA

APPOINTMENTS MUST BE SCHEDULED FROM WITHIN YOUR miltcpartnership.org BACKGROUND CHECK ACCOUNT FOLLOWING THE PROVIDED PROMPTS

FINGERPRINTING ARRANGED OUTSIDE OF THE miltcpartnership.org SYSTEM OR CONDUCTED FOR A DIFFERENT PURPOSE, EG, HEALTHCARE LICENSURE, EDUCATION EMPLOYMENT, <u>CANNOT</u> BE USED

FOR INSTRUCTIONS ON FINGERPRINTING OUT-OF-STATE APPLICANTS SEE "IdentoGO by IDEMIA NON RESIDENT CARD SCAN PROCESSING PROCEDURES" UNDER "INFORMATION" ON THE miltcpartnership.org HOMEPAGE



CUSTOMER DRIVEN. BUSINESS MINDED.

9

HOW MUCH DOES THE BACKGROUND CHECK COST?

\$51.50 - RATE INCREASED \$1.25 BY FBI EFFECTIVE JANUARY 1, 2019

APPLIES TO ALL COVERED PROVIDERS AND STAFFING/CONTRACT AGENCIES WITH THE EXCEPTION OF ADULT FOSTER CARE FACILITIES AND HOMES FOR THE AGED

333.20173A(4) AMENDED EFFECTIVE FEBRUARY 11, 2018

AFTER OCTOBER 1, 2018 THE STATE WILL PAY FOR 40 BACKGROUND CHECKS PER YEAR FOR HOME FOR THE AGED FACILITIES WITH FEWER THAN 100 BEDS, AND FOR 50 BACKGROUND CHECKS PER YEAR FOR HFA WITH 100 BEDS OR MORE

AWAITING IMPLEMENTATION...

BACKGROUND CHECK LAWS STATE THAT PROVIDERS <u>CANNOT</u> REQUEST REIMBURSEMENT FOR THE COST OF THE BACKGROUND CHECK AND THAT PROSPECTIVE WORKERS <u>CANNOT</u> BE CHARGED FOR THE COST OF THE BACKGROUND CHECK



CUSTOMER DRIVEN. BUSINESS MINDED

HOW DO I PAY FOR THE BACKGROUND CHECK?

CREDIT CARD ONLINE, BY FOLLOWING PROMPTS WITHIN THE miltcpartnership.org SYSTEM

MONEY ORDER OR COMPANY CHECK AT THE FINGEPRINTING APPOINTMENT

ESCROW ACCOUNT

See "IdentoGO by Idemia Escrow Account Packet" under Information on the miltcpartnership.org homepage

ALL QUESTIONS REGARDING APPOINTMENT SCHEDULING AND PAYMENT SHOULD BE DIRECTED TO IdentogO by IDEMIA AT 866-226-2952



CUSTOMER DRIVEN. BUSINESS MINDED.

11

CAN I ACCEPT AN "IS ELIGIBLE" LETTER FROM A DIFFERENT FACILITY OR STAFFING AGENCY?

NO! EACH COVERED FACILITY/AGENCY <u>MUST</u> BE ABLE TO PROVIDE A LETTER WHICH STATES THAT THE EMPLOYEE, INDEPENDENT CONTRACTOR, OR PERSON BEING GRANTED CLINICAL PRIVILEGES IS ELIGIBLE TO WORK IN THEIR FACILITY/AGENCY

THE ELIGIBILITY DETERMINATION LETTER <u>MUST</u> CONTAIN THE NAME OF THE SPECIFIC FACILITY OR AGENCY AT WHICH THE PERSON IS WORKING

EVEN IF YOUR COMPANY OWNS SEVERAL DIFFERENT FACILITIES THE PERSON MUST OBTAIN A BACKGROUND CHECK UNDER THE ACCOUNT OF <u>EACH SPECIFIC</u> <u>LOCATION/FACILITY AT WHICH THEY ARE WORKING</u>

RAPBACKS! OUR OFFICE NEEDS TO KNOW WHERE PEOPLE ARE WORKING SO WE KNOW WHERE TO SEND NOTIFICATIONS



CUSTOMER DRIVEN. BUSINESS MINDED.

DOES EACH NEW BACKGROUND CHECK REQUIRE A NEW FINGERPRINTING?

NOT NECESSARILY.... THE milctpartnership.org SYSTEM IS DESIGNED TO PROVIDE A VALID "SHARED" ELIGIBILITY DETERMINATION WHEN AVAILABLE AT NO ADDITIONAL COST TO THE PROVIDER

IN MOST CASES A FINGERPRINT RESULT CAN BE USED FOR 12 MONTHS FOLLOWING THE DATE OF A PRIOR FINGERPRINTING UNDER THIS PROGRAM

Example: An applicant is printed for a covered provider on December 12, 2017. They can apply to work at a different covered facility/agency without needing to be reprinted until December 12, 2018.

REQUIRES MICHIGAN RESIDENCY FOR THE PRIOR 12 MONTHS

REQUIRES THAT THE PRIOR FINGERPRINTING WAS COMPLETED UNDER THIS PROGRAM (PRINTING FOR ANOTHER PURPOSE, E.G., HEALTHCARE LICENSURE, EDUCATION EMPLOYMENT, ETC. CANNOT BE USED)

NEW PRINTING IS NOT REQUIRED IF EMPLOYEE MAINTAINS EMPLOYMENT AT SAME FACILITY/AGENCY, BUT IS REQUIRED IF APPLYING AT NEW FACILITY/AGENCY IN ORDER TO OBTAIN UPDATED FBI RESULTS



CUSTOMER DRIVEN. BUSINESS MINDED.

13

HOW DO I OBTAIN A SHARED ELIGIBILITY DETERMINATION?

LOG IN TO YOUR BACKGROUND CHECK ACCOUNT

CLICK ON New Application TO BEGIN THE BACKGROUND CHECK PROCESS

COMPLETE THE REGISTRY CHECKS AND MAKE YOUR PRELIMINARY HIRING DECISION
THIS IS REQUIRED AS REGISTRY CHECK INFORMATION IS NOT INCLUDED IN RAPBACKS

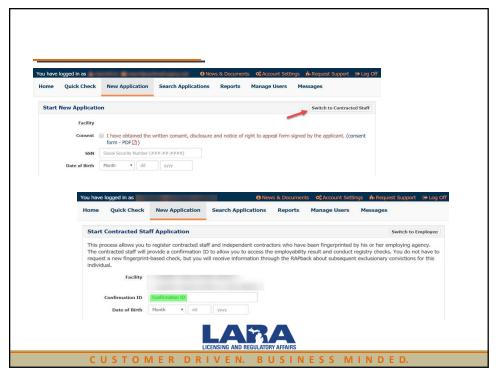
IF A SHARED ELIGIBILITY DETERMINATION IS AVAILABLE YOU WILL BE PROVIDED WITH THE ELIGIBILITY LETTER AT THIS TIME (RATHER THAN BEING PROMPTED TO SCHEDULE A FINGERPRINTING APPOINTMENT)

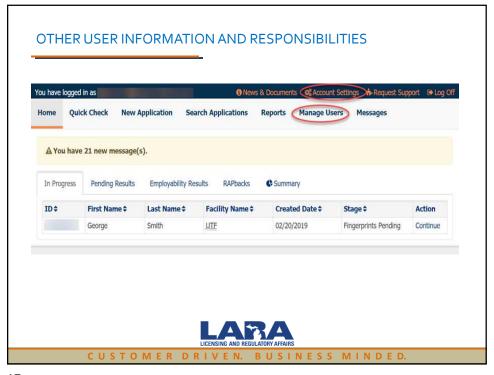
MAKE YOUR FINAL HIRING DECISION

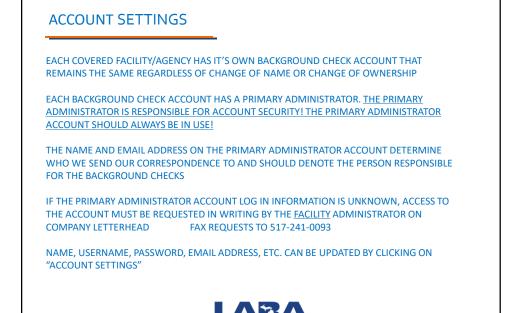


CUSTOMER DRIVEN, BUSINESS MINDED.









MANAGE USERS

ALLOWS THE PRIMARY ADMINISTRATOR TO CREATE/DISABLE SUB-USER ACCOUNTS AND VERIFY STAFFING/CONTRACTOR AGENCIES

SUB-USER ACCOUNTS SHOULD BE DISABLED IMMEDIATELY IF THE SUB-USER TERMINATES EMPLOYMENT OR NO LONGER REQUIRES ACCESS TO THE SYSTEM!

WHEN A SUB-USER ACCOUNT IS DISABLED THE PRIMARY ADMINISTRATOR EMAIL ADDRESS BECOMES THE DEFAULT FOR EMPLOYABILITY DETERMINATIONS, RAPBACKS, REDETERMINATIONS

STAFFING/CONTRACTOR AGENCIES MUST BE VERIFIED BY A LICENSED PROVIDER TO CREATE A BACKGROUND CHECK ACCOUNT

Directions located under Information on miltcpartnership.org homepage

STAFFING AGENCIES/CONTRACTORS <u>ONLY</u> SHOULD REGISTER USING THE STAFFING AND CONTRACTOR AGENCY REGISTRATION FUNCTION



CUSTOMER DRIVEN. BUSINESS MINDED.

19

MISCELLANEOUS

ALWAYS VERIFY CORRECT SSN AND DOB

BE CERTAIN THAT APPLICANT INFORMATION IN SYSTEM MATCHES THE INFORMATION ON THE PICTURE ID THAT THE APPLICANT WILL BE TAKING TO THE FINGERPRINTING APPOINTMENT

A VALID GOVERNMENT ISSUED PICTURE IDENTIFICATION IS REQUIRED TO GET FINGEPRINTED (DRIVER'S LICENSE, STATE ID, MILITARY ID, PASSPORT)

FOR APPLICANTS WITH FOREIGN ADDRESSES, USE THE ADDRESS OF YOUR FACILITY/AGENCY



CUSTOMER DRIVEN, BUSINESS MINDED.

REGISTRY CHECKS

- OFFICE OF INSPECTOR GENERAL EXCLUSIONARY
- SANCTIONED PROVIDER LIST EXCLUSIONARY
- NURSE AIDE ABUSE REGISTRY EXCLUSIONARY
- PUBLIC SEX OFFENDER REGISTRY EXCLUSIONARY
- OFFENDER TRACKING INFORMATION SYSTEM MAY OR MAY NOT EXCLUDE DEPENDING
 UPON OFFENSE OF CONVICTION AND LENGTH OF TIME SINCE DISCHARGE

SEE SECTION (1) OF BACKGROUND CHECK LAWS

CONDITIONAL HIRE

APPLICANTS MAY BE CONDITIONALLY HIRED PRIOR TO RECEIPT OF THE BACKGROUND CHECK RESULT IF:

NO DIRECT ACCESS/DIRECT SERVICES WITHOUT SUPERVISION BY A PERSON WHO HAS PASSED THIS BACKGROUND CHECK

IF NO SUPERVISION:

ICHAT SEARCH WITH NO EXCLUSIONS
12 MONTHS MICHIGAN RESIDENCY
FINGERPRINTED WITHIN 10 BUSINESS DAYS OF START DATE



CUSTOMER DRIVEN. BUSINESS MINDED.

21

REDETERMINATIONS

DISQUALIFIED APPLICANTS MAY REQUEST A REDETERMINATION OF THEIR EMPLOYMENT ELIGIBILITY BASED UPON:

INACCURACY IN CRIMINAL HISTORY RECORD
CONVICTION BEING EXPUNGED/SET ASIDE/REMOVED FROM RECORD

REDETERMINATION REQUEST FORM MAILED TO APPLICANT WITH EXCLUSION LETTER
ALSO AVAILABLE ON miltcpartnership.org HOMEPAGE UNDER INFORMATION

COURT DOCUMENTATION MUST ACCOMPANY THE REQUEST FORM

APPLICANT DETERMINES WHETHER RESPONSE IS SENT TO EMPLOYER



CUSTOMER DRIVEN. BUSINESS MINDED.

REDETERMINATION RESPONSE

NOTIFICATION SENT VIA WEB APPLICATION AND REGULAR MAIL TO APPLICANT AND EMPLOYER (IF REQUESTED BY APPLICANT)

THREE OPTIONS:

DENIED - NOT ELIGIBLE TO WORK

GRANTED – ELIGIBLE TO WORK

MAY IMMEDIATELY RETURN TO WORK

DOES NOT REQUIRE NEW BACKGROUND CHECK

MAKE NEW FINAL HIRING DECISION IN SYSTEM

GRANTED – NEW BACKGROUND CHECK REQUIRED

NO LONGER DISQUALIFIED

NEW BACKGROUND CHECK REQUIRED TO DETERMINE
CURRENT EMPLOYMENT ELIGIBILITY



CUSTOMER DRIVEN. BUSINESS MINDED.

23

DO THESE ON AN ONGOING BASIS

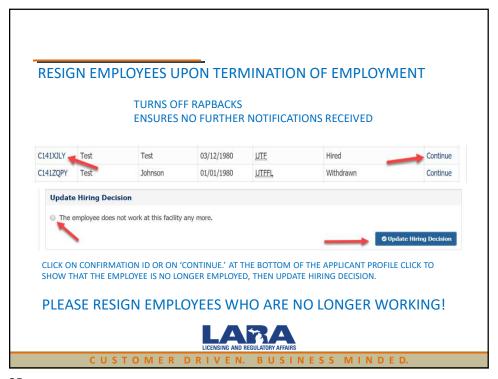
CHECK YOUR SYSTEM MESSAGES

MAKE SURE YOUR PRIMARY ADMINISTRATOR ACCOUNT IS IN USE

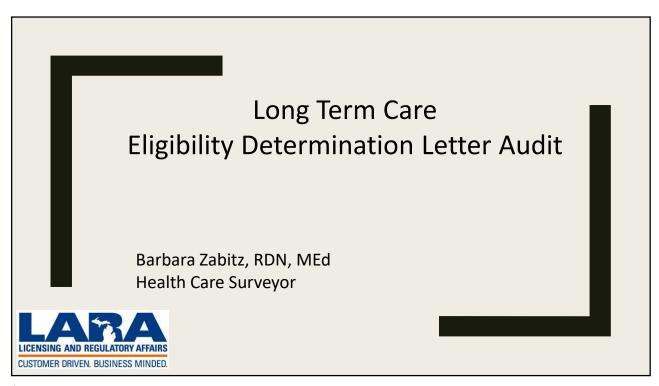
MAKE YOUR FINAL HIRING DECISION UPON RECEIPT OF THE ELIGIBILITY DETERMINATION



CUSTOMER DRIVEN, BUSINESS MINDED.









What is meant by "clinical privileges"?

- No official definition in the Public Health Code
- Common sense definition: An individual that a facility allows to make notations in residents' clinical records and/or is allowed to write orders, that is a facility's medical professionals.
- This would exclude "consultant physicians" or other practitioners who provide their findings to the referring practitioner outside of the clinical record with the expectation that the referring practitioner will write any orders.

3

What is meant by "regular" access or contact?

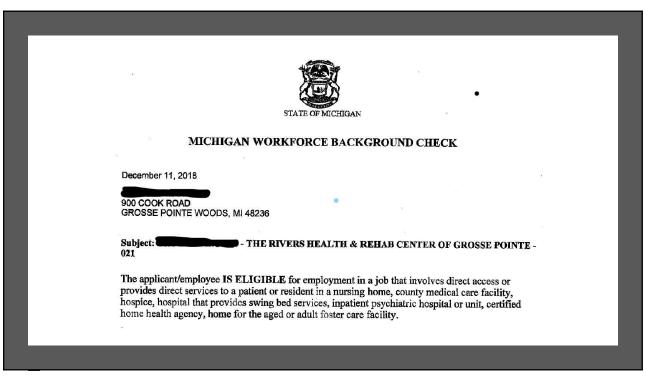
- No official definition for frequency of contact
- Direct access means "access to a patient or resident or to a patient's or resident's property, financial information, medical records, treatment information, or any other identifying information."
- No obligation to obtain eligibility determination letters for lawn care staff, for example
- Facilities might not be obligated to obtain eligibility determination letters for employees who spend 100% of their time in a "service wing" or basement, but the facility should consider the location where the employee enters the building or where the employee takes lunch or other breaks.

What is involved in the audit?

Using a randomly chosen sample of employees, we will ask for eligibility determination letters (AKA "fingerprint result letters") that associate the employee with your specific facility.



5



Whose eligibility determination letters will be requested?









New hires including interim staff

Employees with the oldest seniority date

Medical director

Attending physicians and medical extenders







Corporate consultants

Therapy staff

Contracted Food Service, Housekeeping, Laundry and/or Maintenance services

7

What other contracted services could be included?

- Dentist, podiatrist, vision, hearing, mental health services
- Consultant Dietitian
- Consultant Pharmacist
- Agency Staff
- Contracted security, contracted transportation companies
- X-ray technicians
- Phlebotomists
- Hair dressers, barbers, nail technicians
- Massage therapists, music therapists, if not volunteers



Whose eligibility clearances will we NOT ask for?

- Volunteers or students (unless granted clinical privileges).
- Hospice staff
- Contracted employees who come into your facility only intermittently (for example, less than 3 times in 6 weeks).



9

Using the MILTCPartnership.org website

Learn to use the Contracting Agency Screen!!



Tips for the Contracting Agency screen

- If the vendor has registered as a "Contracting Agency," all the facility needs is the employee's confirmation number, date of birth, and the employee's consent for background check.
- Even if the employee is found on the Contracting Agency screen, the facility must still review the 5 registries.

11

BEWARE!!

- Not all vendors have registered as a "Contracting Agency."
- It is each facility's responsibility to determine the status of their venders in regards to MILTCPartnership.org
- If a vendor has not registered as a Contracting Agency, it is the facility's responsibility to ensure that EACH contracted employee is entered in the database so that the facility can generate an eligibility determination letter that associates the employee with the specific facility!!

Questions & Answers

Bureau of Community and Health Systems
Ottawa Building, 1st Floor
611 W Ottawa Street
Lansing, MI 48933

State Licensing main line: (517) 335-1980

www.michigan.gov/bchs

Thank you for your efforts to provide quality community & health care services to Michigan residents.

